

427.100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :
Marie-Odile Galcera Contour, et al. :
Serial No.: 10/562,949 :
Filed: February 10, 2006 : Group: 1614
For: BENZOTHIAZOLE.. PROCESSES :
Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036
March 30, 2006

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

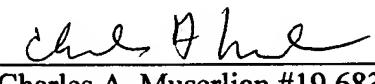
Sir:

Responsive to the Notice of insufficient fees received in the above application indicating that an additional \$30 filing fee is needed, Applicants request reconsideration of the application since it is believed that the correct filing fee of \$1,400 was submitted with the application fee.

The filing fee as can be seen from the copy of PTO Form 1390 submitted herewith which was filed with the application shows that the correct filing fee of \$1,400 was filed and no additional \$30 fee or \$130 for not filing the correct fee is required. Therefore, Applicants request withdrawal of the request or an additional \$30 fee be

withdrawn or that the Patent Office explain why an additional fee is needed.

Respectfully submitted,
Hedman and Costigan



Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

CAM:mlp
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,949	Marie-Odile Galcera Contour	427.100
		INTERNATIONAL APPLICATION NO.
		PCT/FR04/01578
		I.A. FILING DATE PRIORITY DATE
		06/24/2004 06/25/2003
CONFIRMATION NO. 8712		
371 FORMALITIES LETTER		
 OC000000018259276		

Date Mailed: 03/15/2006

CHARLES A. MUSERLIAN
 MM 2/12/2006
 RECEIVED

Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Preliminary Amendments filed on 12/22/2005
- Information Disclosure Statements filed on 01/17/2006
- Oath or Declaration filed on 02/10/2006
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005
- Specification filed on 12/22/2005
- Claims filed on 12/22/2005
- Abstracts filed on 12/22/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 was not received in full.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$30 for a Large Entity:

- \$130 Surcharge.

May 15, 06
 (2+1) June 15
 (2+2) July 15
 (2+3) Aug 15
 (2+4) Sep 15, 06

(A previous payment of \$100 will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

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DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,
WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,949	PCT/FR04/01578	427.100

FORM PCT/DO/EO/923 (371 Formalities Notice)

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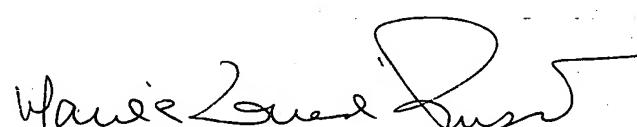
ED 898643658 US

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March 30, 2006

Date of Deposit: _____

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.



Marie-Louise Pinsel

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 427.100
INTERNATIONAL APPLICATION NO. PCT/FR2004/001578	INTERNATIONAL FILING DATE June 24, 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
TITLE OF INVENTION BENZOTHIAZOLE-4, 7-DIONES AND BENZOXAZOLE-4, 7-DIONES WITH SUBSTITUENTS... THEREOF		
APPLICANT(S) FOR DO/EO/US Marie-Odile Galcera Contour; Olivier Lavergne		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER				
	PCT/FR2004/001578	427.100				
<p>20. Other items or information: Copy of the international patent application as published; unexecuted Declaration/Power of Attorney Certificate of Express Mail PTO-2038, Return receipt postcard</p>						
<p>The following fees have been submitted</p> <p>21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300</p> <p>22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200</p> <p>23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500</p>		CALCULATIONS PTO USE ONLY				
		\$ 300				
		\$ 200				
		\$ 500				
		1000				
<p>TOTAL OF 21, 22 and 23 =</p> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p>						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)				
- 100 =	/50 =	x \$250				
<p>Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</p>						
CLAIMS	NUMBER FILED	NUMBER EXTRA				
Total claims	- 20 =	x \$ 50				
Independent claims	5 - 3 =	2 x \$200				
<p>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</p>						
<p>TOTAL OF ABOVE CALCULATIONS =</p>						
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.</p>						
<p>SUBTOTAL =</p>						
<p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</p>						
<p>TOTAL NATIONAL FEE =</p>						
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p>						
<p>TOTAL FEES ENCLOSED =</p>						
<table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged</td> <td>\$</td> </tr> </table>			Amount to be refunded:	\$	Amount to be charged	\$
Amount to be refunded:	\$					
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- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 47888
 Hedman and Costigan
 1185 Avenue of the Americas
 New York, NY 10036
 Tel. 212 302 8989



SIGNATURE

Charles A. Muserlian

NAME

19,683

REGISTRATION NUMBER

